

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
VENTANA MEDICAL SYSTEMS, INC.,)	
)	
Plaintiff,)	
v.)	C.A. No. 05-CV-10614-GAO
)	
VISION BIOSYSTEMS INC.,)	
)	
Defendant.)	
_____)	

**VISION BIOSYSTEMS INC.'S MOTION FOR
SUMMARY JUDGMENT OF NON-INFRINGEMENT**

Vision BioSystems Inc. ("Vision"), respectfully moves this Court for summary judgment of non-infringement of U.S. Patent No. 6,352,861 ("the '861 patent"). In support of its motion, Vision refers the Court to its memorandum of law, the supporting declaration and exhibits filed herewith.

For the reasons set forth in the attached memorandum of law, Vision respectfully requests that the Court grant this motion.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Vision respectfully submits that oral argument may assist the Court and respectfully requests oral argument on this motion.

Dated: June 18, 2007

Respectfully submitted,

By: /s/ Pamela Zorn Adams
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LOCAL RULE 7.1(A)(2) CERTIFICATION

Counsel hereby certifies, in accordance with Local Rule 7.1(A)(2) that prior to filing this motion, the parties have conferred and attempted in good faith to resolve or narrow the issues presented herein.

/s/ Pamela Zorn Adams

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)	
Defendant.)	
_____)	

[PROPOSED] ORDER

This matter is brought before the Court by Vision BioSystems Inc. (“Vision”) on *Vision BioSystems Inc.’s Motion for Summary Judgment of Non-Infringement*.

This matter having been fully briefed and argued by the parties, and considered by the Court, it is hereby ORDERED:

That Vision’s motion is hereby GRANTED, and that Summary Judgment of Non-infringement be ENTERED in Case No.: C.A. No. 05-CV-10614-GAO.

So ordered this _____ day of _____, 2007.

George A. O’Toole, Jr.
United States District Judge